

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

DON ST. AUBIN,)	
)	
Plaintiff)	
)	
v.)	Case No. 2:08 cv 359
)	
MIKE WARD c/o Unilever,)	
)	
Defendant)	

REPORT AND RECOMMENDATION

On June 25, 2009, the plaintiff, Don St. Aubin, was ordered to file an affidavit by July 10, 2009, explaining why he failed to appear at the June 25, 2009 pretrial conference. Plaintiff was warned that failure to file a timely affidavit would result in the dismissal of this case. To date, no such affidavit has been filed. Therefore, it is **RECOMMENDED** that this matter be **DISMISSED WITH PREJUDICE** pursuant to Federal Rule of Civil Procedure Rule 41(b) for lack of prosecution.

Pursuant to 28 U.S.C. §636(b)(1), the parties shall have ten (10) days after being served with a copy of this Recommendation to file written objections thereto with the Clerk of Court, with extra copies delivered to the Chambers of the Honorable Joseph S. Van Bokkelen, Judge of the United States District Court, Hammond Division, and the Chambers of United States Magistrate Judge Andrew P. Rodovich. The failure to file a timely objection will result in the waiver of the right to challenge this Recommendation before either the District Court or the Court of Appeals. *Willis v. Caterpillar, Incorporated*, 199 F.3d 902, 904 (7th Cir.

1999); *Johnson v. Zema Systems Corporation*, 170 F.3d 734, 739 (7th Cir. 1999); *Hunger v. Leininger*, 15 F.3d 664, 668 (7th Cir. 1994); *The Provident Bank v. Manor Steel Corporation*, 882 F.2d 258, 260-61 (7th Cir. 1989); *United States v. Johnson*, 859 F.2d 1289, 1294 (7th Cir. 1988); *Lebovitz v. Miller*, 856 F.2d 902, 905 n.2 (7th Cir. 1988).

ENTERED this 23rd day of September, 2009

s/ Andrew P. Rodovich
United States Magistrate Judge

